

PROB 12C  
(7/93)

**United States District Court**

**for**

**District of New Jersey**

**Petition for Warrant or Summons for Offender Under Supervision**

**Name of Offender:** Jeffrey Herbert

**Docket Number:** 09-00438-001

**PACTS Number:** 57647

**Name of Sentencing Judicial Officer:** HONORABLE LAWRENCE E. KAHN  
UNITED STATES DISTRICT JUDGE

**Name of Assigned Judicial Officer:** HONORABLE FAITH S. HOCHBERG  
UNITED STATES DISTRICT JUDGE

**Date of Original Sentence:** 06/10/2010

**Original Offense:** Ct. 1: Failure to Update Sex Offender Registration, 18 U.S.C. § 2250(a)  
Ct. 2: Larceny from a Credit Union, 18 U.S.C. § 2113(b)

**Original Sentence:** Ct. 1: 15 months imprisonment; Life term of supervised release.  
Ct. 2: 12 months imprisonment; 1 year of supervised release. Sentence to run  
concurrent with Ct. 1.

**Special Conditions:** No contact with persons under the age of 18 unless it is supervised by a person approved of by the probation officer; not to be in any area where persons under the age of 18 are likely to congregate, such as school grounds, child care centers, playgrounds, without the permission of the probation officer; register with the state sex offender registry agency; participate in a mental health program which shall be approved by the U. S. Probation Office; polygraph testing; refrain from the use of alcohol while on supervision; and participate in substance abuse testing. Offender must contribute to the cost of any treatment, based on ability to pay. Restitution of \$694.50.

**Type of Supervision:** supervised release

**Date Supervision Commenced:** 09/03/10

**Assistant U.S. Attorney:** Thomas Spina Jr. & Edward P. Gogan, 445 Broadway, Room 231, Albany, New York 12207 (518) 431- 0247

**Defense Attorney:** Timothy E. Austin (AFPD), 39 North Pearl Street, 5<sup>th</sup> Floor, Albany, New York 12207 (518) 436-1850

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**PETITIONING THE COURT**

- ☐ To issue a warrant  
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

1

The offender has violated the special supervision condition which states "You shall undergo treatment in a mental health program approved by the United States Probation Office until discharged by the Court. As necessary, said treatment may also encompass treatment for gambling, domestic violence and/or anger management, as approved by the United States Probation Office, until discharged by the Court. The Probation Officer shall supervise your compliance with this condition."

The offender refuses to attend sex offender treatment, although the undersigned has attempted to refer him for such services based on his special condition, charge of conviction (Failure to Update Sex Offender Registration), and the fact that he is a registered and convicted sex offender (convicted of Rape 3<sup>rd</sup> Degree- two felony counts in 1997).

I declare under penalty of perjury that the foregoing is true and correct.

*Susan E. Karlak*  
By: Susan E. Karlak  
Senior U.S. Probation Officer  
Date: 3/29/11      7/1

## THE COURT ORDERS:

- ☐ The Issuance of a Warrant  
☒ The Issuance of a Summons. Date of Hearing: 4/19/11 @ 10:00AM.  
☐ No Action  
☐ Other

*James D. Schlegel*  
\_\_\_\_\_  
Signature of Judicial Officer

4/5/2011  
\_\_\_\_\_  
Date